

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JENNIFER VANDERSTOK; MICHAEL G. ANDREN; TACTICAL MACHINING LLC, a limited liability company; FIREARMS POLICY COALITION, INC., a nonprofit corporation,

Plaintiffs,

V.

**BLACKHAWK MANUFACTURING
GROUP INC., doing business as 80
PERCENT ARMS.**

Intervenor Plaintiff.

MERRICK GARLAND, in his Official capacity as Attorney General of the United States; UNITED STATES DEPARTMENT OF JUSTICE; STEVEN DETTELBACH, in his official capacity as Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives; BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES.

Defendants.

ORDER

Plaintiffs in the instant action have moved for a preliminary injunction (ECF Nos. 15, 63), which the Court granted in part (ECF Nos. 56, 89). Now pending before the Court is Intervenor-Plaintiff BlackHawk Manufacturing Group Inc. *d/b/a* 80 Percent Arms' Motion for Preliminary Injunction (ECF No. 102), filed October 20, 2022. On August 29, 2022, the Court—citing its authority under Federal Rule of Civil Procedure 65(a)(2) to advance and consolidate the hearing on a preliminary injunction with the trial on the merits—invited the parties to brief the issue of

consolidation (ECF No. 33). All parties opposed consolidation on the grounds that production of the Administrative Record was required prior to trial on the merits (*See* ECF Nos. 53–54).

The Administrative Record was lodged yesterday on October 24, 2022 (ECF No. 10). Now that the record is available, the Court intends to exercise its authority under Rule 65(a)(2) to consolidate the hearing on preliminary injunction to a trial on the merits—but will do so only with respect to Counts I (Excess of Statutory Authority Under 5 U.S.C. § 706) of Plaintiffs' and Intervenor-Plaintiff's complaints. *See* Pls.' Am. Compl. 41, ECF No. 93, Intervenor-Pl.'s Compl. 26, ECF No. 99. To afford the parties adequate opportunity to review the record and “a full opportunity to present their respective cases,” *Univ. of Tex. V. Camenisch*, 451 U.S. 390, 395 (1981), the Court **ORDERS** that the parties supplement their briefing regarding Plaintiffs' statutory interpretation claims **no later than 14 days** after the Court resolves any pending motions to supplement the Administrative Record and such supplemental records, where required, are produced.

SO ORDERED this 25th day of October, 2022.



Reed O'Connor
UNITED STATES DISTRICT JUDGE